

284 Broch. Can. Hist. du Can. N. E.

THE PETITION

Bibliothèque,
Le Séminaire de Québec,
3, rue de l'Université,
Québec 4, QUE.

or

GEORGE TAYLOR DENISON, JR.,

TO THE

HONORABLE THE HOUSE OF ASSEMBLY,

PRAYING REDRESS IN THE MATTER OF



THE SEIZURE OF THE STEAMER "GEORGIAN,"

TOGETHER WITH COPIES OF THE

PETITION AND AFFIDAVITS,

FILED IN THE

COUNTY COURT OF THE COUNTY OF SIMCOE.



TORONTO:

PRINTED AT THE LEADER AND PATRIOT STEAM-PRESS ESTABLISHMENT.

1865.

THE HOUSE OF REPRESENTATIVES

GEORGE CATLIN, ESQ.

REPORTER OF THE HOUSE OF REPRESENTATIVES

THE HISTORY OF THE INDIAN TRIBES

OF THE NORTH-WESTERN PART OF AMERICA

AND OF THE MOUNTAIN SLEET OF 1804

BY GEORGE CATLIN

NEW-YORK: PUBLISHED BY G. & C. CARLISLE, 1805.

1805

T
C
pu
of
w
sa
H
th
se
of
hi
S
gi
ti
th
an
of
th
th
ti
b
in
ex
U
ap
G

To the Honorable the Legislative Assembly of Canada in Parliament assembled:

The Petition of George Taylor Denison, the younger, of the City of Toronto, Esquire,

HUMBLY SHEWETH:—

That your petitioner is the owner of the Propeler Georgian, which was purchased by him from one John Bates, on or about the seventeenth day of January last past; the said vessel then lying in the harbour of Collingwood, in Lake Huron, in the County of Simcoe.

That your petitioner had the transfer of the said vessel to him by the said John Bates, duly registered according to law in the Custom House at Toronto.

That on or about the seventh day of April last past, while so lying in the Harbour at Collingwood and undergoing repairs, the said vessel was seized by the Honorable Robert Spence, Collector of Customs at the port of Toronto.

That your petitioner was not notified of the grounds of the seizure of his said vessel, and personally applied to the said the Honorable Robert Spence for the reason of such seizure, but that gentleman declined to give any explanation further than to say that he had received instructions as your petitioner understood from some officer under or member of the Government of this Province, which caused him to make the seizure, and referred your petitioner to Mr. Bouchette, meaning the Commissioner of Customs for further information.

That your petitioner immediately proceeded to the City of Quebec for the purpose of seeing the said Bouchette and ascertaining the ground of the aforesaid seizure, and if possible to obtain the release of the vessel.

That the said Bouchette either would not or could not give your petitioner any precise information as to the grounds of seizure of his said vessel, but intimated that your petitioner was suspected of having strong leanings and sympathies for the Confederate States, and associated with Southerners resident in Canada, and referred me to the Solicitor General for Upper Canada, the Honorable James Cockburn, as the proper quarter to apply to on the subject of the release of the said vessel.

That your petitioner on applying at the office of the said Solicitor General, found he was absent from Quebec, and your petitioner was

directed by a clerk in his office to apply to the Honorable Alexander Campbell, Commissioner of Crown Lands, and your petitioner having so applied and fully explained his case, an order was given for the release of your petitioner's vessel, which order before such release was countermanded and vacated at the instance of the said Solicitor General and the Honorable William P. Howland, Postmaster General.

That some time after the seizure of the said vessel one Godfrey J. Hyams, at the instance of the said the Honorable Robert Spence, or some other person acting, as your petitioner firmly believes, under some authority from the Government of Canada, or some member thereof, made an affidavit in the words and figures following :—

Province of Canada, } I, Godfrey Joseph Hyams, of the City of Toronto, in
City of Toronto. } the County of York, shoemaker, make oath and say :
TO WIT :

1. That I am well acquainted with one William Larry McDonald, of the said City of Toronto.

2. That the said McDonald placed in my possession in December last a considerable quantity of munitions of war, called hand grenades, cartridges, powder and a sledge, which he told me were intended to be conveyed to the Town of Collingwood, to be there put on board the Steamer *Georgian*, which he said was being fitted up by the owners under the supervision of the said McDonald, for a raid or expedition from Collingwood aforesaid, into the United States of America, in aid of the so called Confederate States of America.

3. That the said grenades, and other munitions of war were left with me to keep till called for by the said McDonald. That they are now in the hands of the Police of this City.

4. That I am aware that the said W. L. McDonald, at his house, on the corner of Agnes and Terauley Streets, in the said City of Toronto, was manufacturing hand grenades, Greek fire shells and other implements of war, and had a considerable quantity concealed about the premises. I gave notice to the United States Consul in Toronto of the fact, but before the police authorities went to the premises the said munitions and implements had been removed, some of them have in fact been sent to Collingwood as I am informed, and believe for the said Steamer *Georgian*.

5. I am informed and believe that in consequence of disclosures made to the said United States Consul here, and discoveries to the police authorities, the Honorable Robert Spence did, on Friday last, the Seventh day of April instant, proceed to Collingwood to inspect the said vessel, and found on board thereof the said W. L. McDonald and various other parties, and thereupon seized the said vessel as being about to pass the said frontier of this Province to some place in the United States (with which power Her Majesty the Queen is at peace) he considering that there was probable cause for believing that the said vessel, was about to be used for the purpose of a raid or expedition into the said United States, contrary to the provisions

of the act of last session of Parliament, entitled "an Act for the prevention and repression of outrages or violation of the peace of this Province, and for other purposes."

6. That from the foregoing facts, and from what the said W. L. McDonald himself told me, I say that there is probable cause for believing that the said vessel so seized was and is intended to be used in a manner contrary to the provisions of the said act.

7. That I am informed and believe that one George T. Denison is the registered owner of the said vessel.

8. That on Tuesday preceding the said seizure, I was myself on board the said vessel and saw McDonald aforesaid at work on the said vessel, preparing her as I believe for the said raid or expedition.

(Signed)

GODFREY J. HYAMS.

Sworn before me, at the City of Toronto aforesaid, }
this 13th day of April, A. D. 1865. }

(Signed)

WM. B. RICHARDS, C. J. C. P.

I hereby certify the above and annexed to be a true copy of the original affidavit filed in Chambers on the 13th day of April, 1865.

(Signed)

W. B. HEWARD,

Clerk.

Dated at Toronto, 20th April, 1865.

That the said affidavit which was the only document your petitioner has been able to find furnishing any ground or reason for the seizure of his said vessel was exhibited to the Honorable William Buell Richards, Chief Justice of Her Majesty's Court of Common Pleas for Upper Canada, who thereupon under the Authority of the act, Chapter one, of the twenty-eighth year of Her Majesty's Reign, caused a warrant to be issued.

That no copy or notice of the said Warrant or of the said affidavit was ever served upon or given to your petitioner, and your petitioner was never shewn said warrant and only became aware of its contents and form through a copy which Mr. James Paterson, acting in the proceedings, hereinafter mentioned, as Counsel for the Crown, permitted your petitioner to see.

That your petitioner having become aware in the manner indicated of the alleged cause of the seizure of his vessel, applied by petition to a Judge in Chambers at Osgoode Hall, in the City of Toronto, to obtain a release of the said vessel, but was informed according to the construction the learned Judge put upon the act above mentioned he had no jurisdiction in the matter, and that the application should be made to the full Court in term time.

That your petitioner then went to Cobourg and made an application to

the Honorable James Cockburn, Her Majesty's Solicitor General for Upper Canada, for the release of the said vessel, but was informed that nothing could be done for him but that he must apply to the Courts of Law to have the vessel released in the manner pointed out by the above mentioned act.

That your petitioner, in consequence, instructed Counsel to make application in the Court of Queen's Bench, in Easter Term last, which application was made, but owing to some informality in your petitioner's petition, the application could not be heard until the petition could be amended, and your petitioner being then absent from home, and the court having closed its sittings before his return, the application could not be renewed.

That your petitioner, subsequently, on third day of July last past, under the provisions of the said act, applied by petition to James Gowan, Esquire, Judge of the County Court of the County of Simcoe aforesaid, for the release of the said vessel, and in support of the said petition and application filed thirteen affidavits, establishing that neither your petitioner the said vessel had in any manner infringed the neutrality laws of this Province, or the provisions of the act above referred to; copies of which affidavits and of the petition submitted to the said judge your petitioner has annexed to this petition and craves leave to refer as part thereof:

That notice of the said application to the Judge of the County Court was given to the said the Honorable Robert Spence, and James Patterson, Esquire, of the firm of Patterson & Harrison, Barristers and Attorneys at Law, Agents for the Honorable Attorney General for Upper Canada at Toronto, appeared on behalf of the Crown before the said Judge at the town of Barrie, to oppose and did oppose the release of the said vessel, and urged on behalf of the Crown, that the said vessel had been seized under the Imperial Act, commonly designated the Foreign Enlistment Act; and as your petitioner had not filed a claim under the Customs Act, the vessel had become forfeited; but the production of a copy of the affidavit of the said Hyams, and the warrant issued under the authority of the said Chief Justice, established that such seizure was not under any Imperial Act, but if within any Act at all under the said Provincial Act, Chapter one of the twenty-eighth year of Her Majesty's reign, and under that Act no forfeiture could take place.

That his Honor the said Judge decided that he had no jurisdiction to entertain the said application, as the same had not been made to him within ten days after the seizure, and before the issuing of the warrant above referred to, and that your petitioner must seek a remedy in some other way, but in what way he did not intimate. That in his judgment the

words in the tenth section of the said act—"until discharged by due course of law" did not mean any remedy provided by the said act.

That your petitioner, through his counsel, prayed the said judge to cause the matter to be enquired into, and the matter tried either by a jury or in any other way, and the said judge intimated, that although he did not conceive the matter to be one within his jurisdiction as above set forth, he would, with the consent of the Crown, direct an issue to be tried; but the said James Patterson, acting as aforesaid, most positively declined to consent to such issue being tried or allowed.

That your petitioner has done all in his power to establish that he has done nothing either by himself or his said vessel to warrant or authorize the seizure or detention of his said vessel, and to have his innocence or guilt investigated, but has been quite unable to obtain an opportunity, either in court or before a jury, by which such his innocence may be made manifest. That your petitioner has lost and been deprived of the use of his said vessel during the time she could be most profitable to him, and has incurred a great expense and loss of time in visiting Quebec and Cobourg to see the Honorable Solicitor General and other officials and members of the Government—in retaining counsel—in getting up evidence and otherwise, and has become and is greatly embarrassed by not having the earnings of his said vessel.

That he has been thus vexed and harrassed through, and by means of an Act of your Honorable House, and the action of the Government or members of the Government thereon. That he has been told by the Honorable the Solicitor General that the Government would not release the said vessel but that your petitioner had a course open to him by law by which to obtain a trial, and has been told by a County Court Judge that he had no jurisdiction after ten days, and the issuing of the warrant, and if the interpretation of the said County Court Judge is correct, there is no redress whatever for your petitioner.

That your petitioner is a British Subject and as such had his rights violated in being deprived of his property by or through the instrumentality of the Government of this Province or some officer or officials thereof acting in such a manner that your petitioner cannot obtain redress through the constituted tribunals of the country.

Wherefore, your petitioner most humbly and respectfully prays that your Honorable House will take his case into consideration and cause him to be compensated for the loss and damage that he has sustained, and cause such amendments to be made in the said act as will enable him to have his alleged infraction of the law of the land investigated, and his property restored to him.

And your petitioner as in duty bound will ever pray.

(Signed)

GEORGE T. DENISON, Jr.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

The Petition of George Taylor Denison the younger, of the City of Toronto, in the County of York, Esquire, Barrister at Law, to James R. Gowan, Esquire., Judge of the County Court of the County of Simcoe,

HUMBLY SHEWETH,—

That your petitioner, on or about the seventeenth day of January, in the year of our Lord one thousand eight hundred and sixty-five, became the owner, by purchase, of the propeller and *Georgian* that on that day, or shortly thereafter, the endorsement was made on the Register of the vessel of the change of ownership by the Collector of Customs for the Port of Toronto.

That the said propeller *Georgian*, is still the property of your petitioner, and that he appears as the owner thereof in the office of the Collector of Customs in the Port of Toronto.

That on or about the seventh day of April last, while the said vessel was lying at Collingwood, she was seized by the Honorable Robert Spence, Collector of Customs for the port of Toronto, upon a charge, as I understood, that the said vessel was engaged, or about to be engaged in some act or acts which were or would be, a violation of the neutrality laws of this Province, and more especially of the statute passed in this twenty-eighth year of the reign of Her Majesty Queen Victoria, Chaptered No. 1.

Your petitioner was at once deprived of the possession of the said propeller *Georgian*, and he has never since been permitted to resume possession, but the said vessel has from that time to the present been detained from him.

Your petitioner has been informed and believes, that the said vessel was seized principally on the representations of one Godfrey J. Hyams, who made an affidavit with respect to the said vessel, a copy of which affidavit your petitioner craves leave to submit.

In answer to the statements made in the said affidavit, your petitioner says, that he has not done, or knowingly or wilfully permitted to be done, and that he had no intention of doing or permitting to be done, on or with the said propeller *Georgian*, any of the acts mentioned in the affidavit of the said Hyams above referred to, or any act or thing contrary to the laws of this Province.

That your petitioner employed the said William L. McDonald, mentioned in the said affidavit, as a carpenter or mechanic, to take down the upper cabin or top hamper, and to put up a small cabin on the main deck of the said vessel, and that he was employed simply as a carpenter or mechanic, and your petitioner does not believe that the said McDonald had any intention to commit any of the acts mentioned in the affidavit of the said Hyams; and that if he entertained any such intentions, it was without the knowledge or consent of your petitioner.

That the changes mentioned were made in consequence of advice given by the former owner, and by Captain Whitby, whom your petitioner had engaged as master to command the said vessel, it being their opinion as well as the opinion of your

petitioner, and in fact the general impression that the said propeller had too much upper works for the strength of her engine, and that it would be dangerous to run her in that condition in rough weather when she was lightly loaded.

That your petitioner never heard of the existence and did not know of the existence of any arms or munitions of war in the possession of any person subject to the order or control of the said William L. McDonald, or of any other person intended to be used on board the said propeller *Georgian*, or intended to be shipped on board, that he never did allow and never would have allowed any arms or munitions of war to be shipped on board the said propeller *Georgian*, and that to the best of his knowledge and belief, there never were any arms or munitions of war shipped or intended to be shipped on the said vessel.

That your petitioner had engaged Captain Whitby as master to command the said vessel, and had directed him to engage a crew consisting of one mate, two wheelmen and three deck hands.

That your petitioner had heard that there had been suspicion respecting the said vessel before he purchased her, and that to guard against suspicion he directed the said Captain Whitby to employ persons who would not be likely to be parties to any acts against the law, and would not have anything to do with military enterprise or arms or munitions of war.

That your petitioner at the time the said vessel was seized was negotiating with produce merchants in this City of Toronto, endeavoring to get employment for the said propeller in carrying wheat from Owen Sound to Collingwood, and also in case he should not succeed in procuring such employment he was endeavoring to get employment in towing rafts to Collingwood.

That the business your petitioner desired and intended to do was a carrying trade and strictly legal and legitimate, and that he had not done and did not do or intend to do any thing or act contrary to the laws of this province or of the character on suspicion of which his vessel was seized.

Your petitioner prays that this Honorable Court will order the said propeller, *Georgian*, to be released and restored to your petitioner.

And your petitioner will ever pray.

(Signed)

GEORGE T. DENISON, Jr.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, George Taylor Denison, the younger, of the City of
propeller *Georgian*. } Toronto, in the County of York, Barrister at Law, make oath
and say as follows, that is to say:

1. That I am the petitioner making the Petition hereto annexed.
2. That the facts stated and the statements made in the said petition hereunto annexed are correct and true to the best of my knowledge and belief.

Sworn, &c.

(Signed)

GEORGE T. DENISON, Jr.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I. Nettleton Balme Whitby, of the City of Toronto, in
propeller *Georgian*. } the County of York, gentleman, make oath and say as follows,
that is to say :

1. That I was engaged by George Taylor Denison, the younger, as master to command the propeller *Georgian* owned by him.

2. That I was engaged by the said George Taylor Denison, the younger, to command the said vessel in a strictly legitimate carrying business, and that no suspicion ever entered my head that the vessel was to be engaged in any act contrary to law.

3. That the said George Taylor Denison, the younger, requested me to engage a crew for him consisting of one mate, two wheelmen and three deck hands, strictly cautioning me to be careful not to hire men I could not depend on, as he seemed to fear that spies might get on board and smuggle on arms or munitions of war in order to get the vessel into trouble as she had formerly been suspected, but otherwise, leaving the selection of the crew entirely to myself.

4. That the said George Taylor Denison, the younger, requested me on several occasions to do all I could to obtain freight for the *Georgian*, so that no time might be lost in getting her into business.

5. That I, on several occasions, suggested to the said George Taylor Denison, the younger, the necessity of removing the top hamper from the upper deck, and of putting up a small cabin on the main deck, in order to make her more manageable in a sea way.

6. That I do not consider the taking off the top hamper fitting her out for warlike purposes, my opinion being that she would be more useful for warlike purposes or for a raid with the main deck clear.

7. That I requested the said George Taylor Denison, the younger, to give me permission to take my wife on board and live there while the vessel was running, and that he was satisfied that I should do so, and at once consented.

8. That I did not know and was not personally acquainted with one W. L. McDonald—referred to in an affidavit of one Godfrey J. Hyams as I am informed, and which affidavit I am informed has been filed in Chambers—until after the said vessel was seized and the said W. L. McDonald arrested.

9. That I have no acquaintance with the so called Confederate agents in this country. That I was not engaged to enter into any business for them directly or indirectly to my knowledge. And if I had suspected anything at all of the character suggested in the affidavit of the said Hyams above referred to, I would not have entered into the said engagement. And I do not believe any intention of the kind did exist.

Sworn, &c.

(Signed)

N. B. WHITBY.

IN THE QUEEN'S BENCH.

I, William Ridout, of the City of Toronto, in the County of York,
Gentleman, make oath and say as follows, that is to say :

1. That I was engaged by George Taylor Denison, the younger, as purser on the propeller *Georgian*.

2. That I was sent up to Collingwood by the said George Taylor Denison, the younger, on the 13th day of February, to act as purser for the said vessel in a strictly legitimate carrying business. I never had the slightest suspicion that the vessel was to be engaged in any raid or expedition.

3. That William L. McDonald came up to the vessel some time after my arrival, or about the twenty-second day of February, with the said George Taylor Denison, the younger.

4. That I saw the said George Taylor Denison, the younger, and William L. McDonald laying out the place for the cabin to be fitted up on the main deck where it was afterwards put up.

5. That I lived on the *Georgian*, taking my meals with the said William L. McDonald during a greater portion of the time that the said McDonald was working on the said vessel. That I never saw anything in his conduct, or in his conversation, or in the work in which he was engaged, which made me suspect or led me to believe that he contemplated any raid or expedition, or anything more than the ordinary work of a mechanic. And that I do not believe that the said McDonald had any intention whatever of committing any illegal act on the said vessel, or of preparing her for a raid or expedition.

6. That I do not consider the taking off the upper cabin and making a small cabin on the main deck fitting the vessel out for warlike purposes, or for a raid, it is my opinion she would be more useful for such purposes with the main deck clear.

7. That the work done by the said McDonald was merely the taking off all the upper cabin and making a small cabin on the main deck.

8. That I am not acquainted with the so called Confederate agents in this Province. That I am not engaged to enter into any business for them either directly or indirectly to my knowledge. And if I had suspected anything at all of the character of a raid or expedition being contemplated I would not have entered into any engagement on the said vessel. And I do not believe that any intention of preparing any raid or expedition was contemplated by any persons working on the said vessel or connected with it.

Sworn, &c.

(Signed)

WILLIAM RIDOUT.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, William Lawrence McDonald, now a prisoner in the
propeller *Georgian*. } City Jail of the City of Toronto, make oath and say as
follows, that is to say :

1. That I was engaged by George Taylor Denison, the younger, of the City of Toronto, to do some carpenter work on board the propeller *Georgian* owned by him.

2. That the work which I was engaged to do for the said George Taylor Denison the younger, was merely to take down the upper cabin and put up a small cabin on the main deck.

3. That I went up to Collingwood with the said George Taylor Denison the younger, on or about the twenty-second day of February last, and he showed me what he wanted to have done and laid out the general outlines of what I was to do.

4. That the work on which I was engaged was merely carpenter work, and was not fitting out the vessel for warlike purposes, and was not at all of a warlike character.

5. That I was formerly a transportation agent in the employ of the Confederate Government.

6. That at the time I went up to Collingwood to make the changes for the said George Taylor Denison the younger, on the said propeller, my connections with the Confederate Government had entirely ceased, and I was not under their orders directly or indirectly, and the work I was doing was for the said George Taylor Denison the younger, and for no other person or persons directly or indirectly, and in my ordinary legitimate employment, solely for the wages I received, to be solely used for my own advantage, so that I could earn my own living.

7. That I consider the changes made in the propeller *Georgian*, namely : the taking off the top Hamper and putting up a small cabin on the main deck, were ordinary changes and tended to make the vessel more sea-worthy.

8. That I never contemplated any raid or enterprise or expedition to be carried on on the propeller *Georgian*. That I had no arms at the order of any person or persons intended to be used on board the said propeller *Georgian*. That I never did put any arms on board the said vessel, nor ever intended to do so and never would have placed any arms on board the said vessel.

9. That I have seen a copy of the affidavit of Godfrey J. Hyams, which I am informed has been filed in Chambers, and that I have no hesitation in swearing, that the statements made by the said Hyams referring to me and a contemplated raid, on the said propeller *Georgian*, are totally false and void of any foundation.

Sworn, &c.

(Signed)

WM. L. McDONALD.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, Roderick Courneen, of the City of Toronto, in the County of York, Marine Inspector for the British American Assurance Company, make oath and say as follows, that is to say:

1. That I consider the propeller *Georgian* had too much upper works to be properly sea-worthy, and that the repairs and alterations by the removal of the cabin on the upper deck, were beneficial to the said vessel and tended to make the said vessel more sea-worthy.

2. That the vessel is in my opinion totally unfitted for raids or warlike expeditions, both on account of her want of speed and her general construction, and by no possibility could the taking off of the top hamper and putting up a cabin on the main deck be considered a warlike preparation, or fitting the said vessel out for warlike purposes.

Sworn, &c.

(Signed)

RODERICK COURNEEN.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, Hugh David Wilson of the Town of Collingwood, in the County of Simcoe Customs Officer, make oath and say as follows, that is to say:

1. That I was present when the Honorable Robert Spence, Collector of Customs of Toronto, took possession and detained the propeller *Georgian* in the Harbor of Collingwood.

2. That I partly examined the vessel at the time she was seized but found no arms or munitions of war on board.

That I afterwards on the following day, made a complete and thorough search of the whole vessel and found no arms or munitions of war of any kind on board the said vessel, and I do not believe any arms or munitions of war were on the said vessel.

Sworn, &c.

(Signed)

H. D. WILSON.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, James Huton, of the City of Toronto, in the County of York, fireman, make oath and say as follows, that is to say:

1. That I was engaged by George Taylor Denison, the younger, as fireman, to work on the propeller *Georgian* owned by him.

2. That I was engaged by George Taylor Denison, the younger, to work on the said vessel as fireman in a carrying business, and that no suspicion, or cause of suspicion, ever occurred to me that the propeller *Georgian* was to be engaged in any raid or expedition.

3. That I was sent up to Collingwood by the said George Taylor Denison, the younger, on the twentieth day of February last, to work on the said vessel.

4. That William L. McDonald came up to the vessel two or three days after my arrival, or about the twenty-second day of February, with the said George Taylor Denison, the younger.

5. That I saw the said George Taylor Denison, the younger, and William L. McDonald laying out the place for the cabin to be fitted up on the main deck, where it was afterwards put up.

6. That I lived on the boat, taking my meals with the said William L. McDonald during the greater portion of the time that the said McDonald was working on the said vessel. That I never saw anything in his conduct, or in his conversation, or on the work on which he was engaged, which led me to believe or suspect that he contemplated any raid or expedition, or anything more than the ordinary work of a mechanic. And that I do not believe that the said McDonald had any intention whatever of committing any illegal act on the said vessel, or of preparing her for a raid or expedition.

7. That the work done by the said McDonald was merely the taking off all the upper cabin and making a small cabin on the main deck.

8. That I do not consider the changes made by the said McDonald fitting the vessel out for warlike purposes, or for a raid, my opinion being that she would be more useful for such purposes with the main deck clear.

9. That after the said propeller *Georgian* was seized by Mr. Spence, Collector of Customs, Mr. Wilson, Collector of Customs at Collingwood, searched the said vessel thoroughly on two different occasions, and found no arms or munitions of war or anything else of that nature on board, and that no arms or munitions of war were on board.

Sworn, &c.

(Signed)

JAMES HUTON.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, Adam Dudgeon, of the Town of Collingwood in the
propeller *Georgian*. } County of Simcoe, Ship Carpenter, make oath and say as
follows, that is to say :

1. That I have seen the work done by William L. McDonald on the propeller *Georgian*, and that I consider the said work was ordinary work, and necessary to make the said vessel sea worthy, and in my opinion the vessel would be better adapted for warlike purposes with the main deck clear.

2. That I live in the Town of Collingwood where the said vessel is lying, and had no suspicion or cause of suspicion that the said vessel was fitting up for any raid or expedition, or for anything but a purely legitimate carrying business, and that I do not believe it was fitted up or intended for any such purpose.

Sworn, &c.

(Signed)

ADAM DUDGEON.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, John Trew Douglas, of the City of Toronto, in the
 Propeller *Georgian*. } County of York, Marine Inspector for the Western Insurance
 Company, make oath and say, as follows, that is to say:

1. That I consider the propeller *Georgian* had too much upper work to be properly sea-worthy, and that the repairs and alterations by the removal of the cabin on the upper deck were necessary to make the said vessel more sea-worthy.

2. That the said vessel is in my opinion totally unfitted for raids or warlike expeditions, both on account of her want of speed and her general construction, and that I cannot conceive any way in which the taking off the top hamper and putting up a small cabin on the main deck could be considered as fitting out the said propeller *Georgian* for warlike purposes.

Sworn, &c.

(Signed)

JOHN T. DOUGLAS.

IN THE COUNTY COURT OF THE COUNTY OF SIMCOE.

In Re Seizure of } I, Archibald Taylor, of the City of Toronto, in the
 propeller *Georgian*. } County of York, Marine Inspector for the Montreal Insurance
 Company, make oath and say as follows, that is to say:

1. That I know the propeller *Georgian*, having inspected her in the course of my official duty.

2. That I consider the said vessel had too much upper works to be properly sea-worthy, and that the repairs and alterations by the removal of the cabin on the upper deck were necessary to make the said vessel sea-worthy.

3. That there is not a stanchion on the whole vessel fitted to hold a gun, and the vessel is in my opinion too slow and otherwise unfitted for warlike purposes, and that I cannot conceive any way in which the taking off the top hamper and putting up a small cabin on the main deck, could be considered as fitting out the said propeller *Georgian* for warlike purposes.

Sworn, &c.

(Signed)

ARCH'D. TAYLOR.